

the market.² Motor carriers remain powerful competitors for this traffic. An exemption would enable the railroads to become more effective competitors for this traffic and thus give shippers additional options. There is also intense rail-to-rail and geographic competition because shippers have numerous options in selecting origin and destination points for used motor vehicle traffic and thus need not limit rail transportation to only one carrier.

Based upon these findings, we are exempting the rail transportation of used motor vehicles (STCC 41-118) from the provisions of 49 U.S.C. subtitle IV by adding this STCC code to the list of exempted commodities found at 49 CFR 1039.11. The exemption is subject to the exceptions contained in 49 CFR 1039.11(a), which generally relate to car hire and car service, and in 49 CFR 1039.11(b), which requires carriers to continue to comply with applicable accounting and reporting requirements.

Environmental and Energy Consideration

We conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

We conclude that this action will not

\$ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
41 118	6001-U, eff. 1-1-93.	Used vehicles.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC05

Endangered and Threatened Wildlife and Plants: Coffin Cave Mold Beetle (*Batrisesodes texanus*) and the Bone Cave Harvestman (*Texella reyesi*) Determined To Be Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; technical corrections.

SUMMARY: Recently published taxonomic studies have revealed that two listed species, the Kretschmarr Cave mold beetle (*Texamaurops reddelli*) and the Bee Creek Cave harvestman (*Texella reddelli*), each comprise two species. The next republication of the List of Endangered and Threatened Wildlife will include two additional entries, the Coffin Cave mold beetle (*Batrisesodes texanus*) and the Bone Cave harvestman (*Texella reyesi*), to ensure that recognition and protection under the Endangered Species Act (Act) is provided for species equivalent to the originally listed taxa. This rule describes the technical basis for these changes to the List.

EFFECTIVE DATE: September 17, 1993.

ADDRESSES: Lisa O'Donnell, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service, 611 East 6th Street, room 407, Austin, Texas 78701.

FOR FURTHER INFORMATION CONTACT: Lisa O'Donnell, telephone: 512/482-5436.

SUPPLEMENTARY INFORMATION:

Background

A final rule listing five species of Texas karst invertebrates as endangered was published by the U.S. Fish and Wildlife Service (Service) on September 16, 1988 (53 FR 36029-36033). That final rule included the Kretschmarr Cave mold beetle (*Texamaurops reddelli*

Barr and Steeves) and the Bee Creek Cave harvestman (*Texella reddelli* Goodnight and Goodnight). Recently published taxonomic revisions by Chandler (1992) and Ubick and Briggs (1992) present evidence that each of these species, as formerly recognized, actually comprises two species.

The final rule listing the Kretschmarr Cave mold beetle (*Texamaurops reddelli*) indicated that this species was known from Kretschmarr, Amber, Tooth, and Coffin caves in Travis and Williamson counties, Texas. Coffin Cave, Williamson County, was the northern-most locality recognized for that species. The Coffin Cave population was subsequently placed in the newly described species *Batrisesodes texanus*, along with specimens from a few Williamson County localities to the south of Coffin Cave (Chandler 1992). The genera *Texamaurops* and *Batrisesodes* are very similar, the key difference being a "pencil" of appressed setae present on the metatibiae in *Batrisesodes*, but absent in *Texamaurops*. Detection of this character requires magnification of the appropriate appendages. All known localities of *Texamaurops reddelli* and *Batrisesodes texanus* are within the recognized range of the Kretschmarr Cave mold beetle as it was originally listed, although additional localities have been discovered within that range. Both species continue to face the same general threats identified in the original listing. Because these two species together are equivalent to the originally listed Kretschmarr Cave mold beetle, both species will be included as endangered species in the next republication of the List of Endangered and Threatened Wildlife (50 CFR 17.11). *Texamaurops reddelli* will retain the common name of Kretschmarr Cave mold beetle, as in previous publications of the List, and the new entry for *Batrisesodes texanus* will include the common name of "Coffin Cave mold beetle."

The final rule listing the Bee Creek Cave harvestman (*Texella reddelli*) indicated that this species was known from several caves, which are distributed about 22 miles (34 km) along the edge of the Edwards Plateau in Travis and Williamson counties, Texas. *Texella reyesi* was subsequently described to include some of the specimens formerly attributed to *Texella reddelli*, as well as specimens from several newly-discovered localities (Ubick and Briggs 1992). According to Ubick and Briggs (1992, p.208), "[t]he two species are clearly very closely related and, using the standards of genitalic distinctness applied to other

Texella species, may even be considered conspecific." Both of these species continue to face the same general threats identified in the original listing of the Bee Creek Cave harvestman. Their combined ranges, including newly-discovered localities, extend about 31 miles (50 km) along the edge of the Edwards Plateau in Travis and Williamson counties. Although the weak differentiation of the two species would justify the continued recognition of all of these populations under the single name recognized in the original listing, the Service prefers to follow the published revision in taxonomy and recognize *Texella reddelli* and *Texella reyesi* as equivalent to the originally-listed Bee Creek Cave harvestman. Both species will therefore be included as endangered species in the next republication of the List of Endangered and Threatened Wildlife (50 CFR 17.11). *Texella reddelli* will retain the common name of Bee Creek Cave harvestman, as in previous publications of the List, and the new entry for *Texella reyesi* will include the common name of "Bone Cave harvestman."

The Service has determined that this amendment to 50 CFR of taxonomic changes does not impact or change the status of the species covered under the current List of Threatened and Endangered Wildlife nor does it affect the types of activities that are permitted or prohibited. Since this final rule reflects actions already accomplished by the scientific community, this document is not a rule as contemplated by the Regulatory Flexibility Act (5 U.S.C 601)

and Executive Order 12291. Therefore, as provided by 5 U.S.C. 553(b)(3)(B), the Service has determined that solicitation of public comment is unnecessary and serves no public interest.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

- Chandler, D.S. 1992. The Pselaphidae (Coleoptera) of Texas caves. Texas Mem. Mus., Speleol. Monogr. 3:241-253.
 Ubick, D., and T.S. Briggs. 1992. The harvestman family Phalangodidae. 3. Revision of *Texella* Goodnight and Goodnight (Opiliones: Laniatores). Texas Mem. Mus., Speleol. Monogr. 3:155-240.

Author

The primary author of this final rule is Dr. Steven M. Chambers, Division of Endangered Species, U.S. Fish and Wildlife Service Regional Office, P.O. Box 1306, Albuquerque, N.M. 87103 (telephone: 505/766-3972).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 et seq.).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulations Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. Amend § 17.11(h) in the entries for "Beetle, Kretschmarr Cave mold" under Insects and for "Harvestman, Bee Creek Cave" under Arachnids by revising the "When listed" column to read "327,513".

3. Amend § 17.11(h) by adding the following entries, in alphabetical order under Insects and Arachnids, respectively, to the List of Endangered and Threatened Wildlife, to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
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Insects							
Beetle, Coffin Cave mold.	<i>Batrissodes texanus</i> .	U.S.A. (TX)	NA	E	327,513	NA	NA
.
Arachnids							
Harvestman, Bone Cave.	<i>Texella reyesi</i>	U.S.A. (TX)	NA	E	327,513	NA	NA
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Dated: July 27, 1993.

Richard N. Smith,

Acting Director.

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